

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
ST. LOUIS

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) No. 4:11-CR-00351-AGF-2
LODGY JACKSON,)
Defendant.)

SUPPLEMENT TO MOTION FOR COMPASSIONATE RELEASE DOCUMENT
#337

COMES NOW Defendant, Lodgy Jackson, by and though counsel, and respectfully moves this Court to grant compassionate release under 18 U.S.C. §3582(c)(1)(A) based on the “extraordinary and compelling reason” presented by the Covid-19 pandemic coupled with Mr. Jackson’s particular health conditions. Mr. Jackson requests this Court reduce his sentence to time served due to his underlying health conditions that include the sickle-cell trait and myopia. In the alternative, Mr. Jackson requests this Court reduce his sentence to time served and as a condition of supervised release, order that he serve a term of home confinement. In support of his Motion, Mr. Jackson states the following:

1. Mr. Jackson pled guilty to the offense of conspiracy to possess with intent to distribute cocaine in violation of 21 U.S.C. §§ 841 and 846 and conspiracy to possess and possession of a firearm in furtherance of a drug trafficking crime in violation of 18 U.S.C. § 924. On December 12, 2013 this Court sentenced him to a term of incarceration of 400 months followed by five years of supervised release. Mr. Jackson has served

approximately 116 months. Mr. Jackson's projected release date is February 12, 2040 and he is eligible for home detention on August 12, 2039.

3. Mr. Jackson is currently confined at USP Pollock. The conditions at USP Pollock do not allow for Mr. Jackson to social distance nor to properly sanitize his environment to prevent infection. During his incarceration, Mr. Jackson earned his GED and completed drug education. He has participated in several classes during his incarceration including personal growth (7 Habits), Build Trades, Small Business Management, Micro Computer Applications, Microsoft Acess, Excel, and Word, Keyboarding, and Community Resources.

4. Mr. Jackson is a thirty-one-year-old black man who has the sickle-cell trait and myopia. Mr. Jackson was diagnosed with Covid-19 on November 23, 2020. Mr. Jackson continued to experience symptoms as a result of his covid-19 diagnosis and has been unable to return to his pre-Covid-19 health status. He is concerned about his on-going medical needs and believes that BOP is unable to provide sufficient care for him during this pandemic. USP Pollock is reporting 25 staff with Confirmed Active Cases as of August 15, 2021. USP Pollock reports that it has 1,273 total inmates; the amount of staff currently experiencing active Covid-19 is significant to undermine conditions and care.

5. Mr. Jackson filed a "Reduction in Sentence Application" with his Institution on June 16, 2020. USP Pollock's Warden, C. McConnell, sent Mr. Jackson a letter dated July 7, 2020 denying him compassionate release under 18 U.S.C. §3582(c)(1)(A). Mr. Jackson has exhausted his administrative requirements under 18 U.S.C. §3582(c)(1)(A).

6. This Court has authority to grant compassionate release and sentence Mr. Jackson to “time served” and place him on supervised release. Mr. Jackson has exhausted his administrative remedies and placed this issue properly before this Court under 18 U.S.C. §3582(c)(1)(A). This Court has broad discretion to decide what constitutes “extraordinary and compelling” grounds for a reduction-in-sentence under §3582(c)(1)(A). *U.S. v. Zullo*, No. 19-3218 (2nd Cir. 2020). Mr. Jackson’s particular health issues coupled with the state of the pandemic and medical care at USP Pollock constitute such “extraordinary and compelling reasons” as to permit compassionate release.

7. A reduction in Mr. Jackson’s sentence is consistent with the applicable policy considerations enumerated in 18 U.S.C. §3553(a) in that Mr. Jackson has completed educational classes while incarcerated and would be able to complete drug-treatment on an out-patient basis as part of his supervised release. Further, Mr. Jackson would reside with Iris and Michael Jackson, at 12433 Tidwell Rd. #414, Houston, TX 77044, should he be released from confinement. He would be able to contract health insurance through the Affordable Health Care Act. Mr. Jackson’s on-going medical issues can be more precisely maintained, monitored and improved while he is in the community rather than at an understaffed prison facility.

Mr. Jackson has a compromised system and is at great risk to the long-term effects of Covid-19 because of his pre-existing condition, the sickle-cell trait. The highly contagious and rapidly spreading Delta variant is likely to cause more severe illness and death for individuals with compromised immune systems like Mr. Jackson.

WHEREFORE Mr. Jackson respectfully requests this Court find that there are extraordinary and compelling reasons necessitating his release and that his release is consistent with the factors of 18 U.S.C. §3553(a) and that he be sentenced to “time served” and placed on supervised release or in the alternative supervised release with home detention and for any additional relief that this Court deems just and proper.

Respectfully Submitted,

/s/ David Bruns
David Bruns #38665MO
Attorney at Law
225 S. Meramec, Ste 1100
Clayton, Missouri 63105
Telephone: (314) 832-0202
david@brunspc.com

ATTORNEY FOR MR. JACKSON

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing was delivered on the United States Attorney's Office via email on this date.

/s/ David Bruns
Attorney for Defendant